

LIBELED: 3-18-65, Dist. Minn.

CHARGE: 402(a)(3)—contained excessive coliforms, a high total bacterial count, coagulase positive staphylococci, and *E. coli*; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 4-29-65. Default—destruction.

30174. Mung beans and rice. (F.D.C. No. 50992. S. Nos. 15-601/3 B.)

QUANTITY: 9 100-lb. bags of mung beans, and 441 50-lb. bags of rice, at Los Angeles, Calif., in possession of Mutual Trading Co., Inc.

SHIPPED: Between 3-2-64 and 12-22-64, from Enid, Okla., and Stuttgart, Ark.

LIBELED: 1-29-65, S. Dist. Calif.

CHARGE: 402(a)(3)—the articles contained rodent urine, and the beans were rodent gnawed; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 3-3-65. Consent—claimed by Mutual Trading Co., Inc. The beans were destroyed. The rice was segregated and reconditioned; 350 lbs. were destroyed.

30175. Canned red beans. (F.D.C. No. 50945. S. No. 5-609 B.)

QUANTITY: 1,885 cases, each containing 24 1-lb. cans, at Omaha, Nebr.

SHIPPED: 1-21-65, from Grimes, Iowa, by Beaver Valley Canning Co.

LABEL IN PART: (Can) "Chili-Ets Mexican Style Red Beans In Chili Gravy—Distributed By Central Retailer-Owned Grocers, Inc., Northlake, Ill."

LIBELED: 2-12-65, Dist. Nebr.

CHARGE: 402(a)(3)—contained decomposed beans when shipped.

DISPOSITION: 5-25-65. Default—destruction.

30176. Canned red beans. (F.D.C. No. 51141. S. No. 46-103 B.)

QUANTITY: 227 cases of 24 1-lb. cans each, at Little Chute, Wis.

SHIPPED: 1-21-65, from Grimes, Iowa, by Beaver Valley Canning Co.

LABEL IN PART: (Can) "Chili-Ets Mexican Style Red Beans in Chili Gravy—Distributed by Central Retailer-Owned Grocers, Inc., Northlake, Ill."

LIBELED: 3-8-65, E. Dist. Wis.

CHARGE: 402(a)(3)—contained decomposed beans when shipped.

DISPOSITION: 6-29-65. Default—destruction.

30177. Canned red beans. (F.D.C. No. 50891. S. No. 111-423 A.)

QUANTITY: 62 cases, 24 cans each, at Nebraska City, Nebr.

SHIPPED: 11-23-64, from Cherokee, Iowa. This was a return shipment.

LABEL IN PART: (Can) "Otoe's Finest Brand * * * Red Beans Net Contents 15½ Ozs. * * * Packed in Morton House Kitchens, Inc., Nebraska City, Nebr."

LIBELED: 12-21-64, Dist. Nebr.

CHARGE: 402(a)(3)—contained decomposed beans when shipped.

DISPOSITION: 2-15-65. Consent—claimed by Morton House Kitchens, Inc. Segregated; 168 cans destroyed.

30178. Green split peas and black-eyed peas. (F.D.C. No. 51152. S. Nos. 2-764/5 B.)

QUANTITY: 55 100-lb. bags of split peas, and 18 25-lb. bags of black-eyed peas at Cincinnati, Ohio, in possession of D & D Bean Co., Distribution Center.

SHIPPED: Between 10-2-64 and 10-6-64, from Greeley, Colo.

LIBELED: 3-26-65, S. Dist. Ohio.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-30-65. Default—destruction.

30179. Dried split peas and dried lupine beans. (F.D.C. No. 50249. S. Nos. 20-513/14 A.)

QUANTITY: 2 100-lb. bags of dried split peas and 21 110-lb. bags of dried lupine beans at Pittsburgh, Pa., in possession of Pennsylvania Macaroni Co., Inc.

SHIPPED: Between approximately 1-1-63 and 12-6-63, from Indianapolis, Ind., and from Italy.

LIBELED: 7-8-64, W. Dist. Pa.

CHARGE: 402(a)(3)—the split peas contained insects, insect parts, and insect fragments; and 402(a)(4)—both of the articles were held under insanitary conditions.

DISPOSITION: On 7-28-64, the Pennsylvania Macaroni Co., Inc., claimant, filed an answer in which they denied that the articles were adulterated and averred that the articles were of such character that they had a hard-shell finish and could not have been adulterated or contaminated in the place in which they were stored, that the presence of insects in the room or on the outside of the articles would not of necessity contaminate or adulterate, that the storeroom had been cleaned and sprayed, that there were no longer any insects present, and that no damage had been done to the article. On 12-7-64, the Government filed a motion for summary judgment. On 1-6-65, the court granted the Government's motion; and on 1-11-65, the court condemned the articles. On 1-13-65, the articles were released to a Government institution for use as animal feed.

30180. Diced red peppers. (F.D.C. No. 51243. S. No. 84-761 B.)

QUANTITY: 27 50-gal. bbls. at Houston, Tex.

SHIPPED: 1-18-65, from Chicago, Ill., by Manhattan Pickle Co.

LABEL IN PART: (Sticker on bbl.) "Manhattan Diced Red Peppers Contains: Red Peppers, Salt and Vinegar * * * Packed by Manhattan Pickle Company Chicago, Illinois."

LIBELED: 4-1-65, S. Dist. Tex.

CHARGE: 40402(a)(3)—contained insects, insect larvae, and insect fragments when shipped.

DISPOSITION: 5-6-65. Default—destruction.

30181. Canned pork and beans. (F.D.C. No. 50722. S. No. 86-174 A.)

QUANTITY: 65 cases, each containing 48 1-lb. cans, at Springfield, Mo.

SHIPPED: 9-15-64, from Lawrence, Kans.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing progressive decomposition.

LIBELED: 10-16-64, W. Dist. Mo.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 1-20-65. Default—destruction.